

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

BRIAN THOMPSON,	:	
	:	
Plaintiff,	:	CIVIL ACTION
	:	
v.	:	No. 23-cv-4742
	:	
MOHAMED SAFA, (Sergeant),	:	
	:	
Defendant.	:	

ORDER

AND NOW, this _____ day of December, 2023, upon consideration of the Defendant's Motion for a fourteen day extension of time to answer, move, or otherwise respond to Plaintiff's Complaint, it is hereby **ORDERED** that the Motion is **GRANTED** and that Defendant shall file their answer or other response to Plaintiff's Complaint by no later than **December 22, 2023**.

BY THE COURT:

PAUL S. DIAMOND, J.

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	:	
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	:	
v.	:	No. 23-cv-4742
	:	
MOHAMED SAFA, (Sergeant),	:	
	:	
Defendant.	:	

**DEFENDANT’S MOTION FOR EXTENSION
OF TIME TO RESPOND TO PLAINTIFF’S COMPLAINT**

Defendant Mohamed Safa, through their undersigned counsel, hereby moves this Court pursuant to Federal Rule of Civil Procedure 6(b) to extend the time to file a response to Plaintiff’s Complaint for fourteen (14) days, through and including **December 22, 2023**, for the reasons contained in the accompanying memorandum of law.

Respectfully submitted,

MICHELLE A. HENRY
Attorney General

Date: December 7, 2023

By: /s/ Brendan Mullen

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	:	
Defendant.	:	

**MEMORANDUM OF LAW IN SUPPORT OF DEFENDANT’S MOTION FOR
EXTENSION OF TIME TO RESPOND TO COMPLAINT**

Defendant Mohamed Safa by their undersigned counsel, respectfully submits this memorandum of law in support of Defendant’s Motion for Extension of Time to answer, move, or otherwise respond to Plaintiff’s Complaint.

I. INTRODUCTION & PROCEDURAL BACKGROUND

Plaintiff Brian Thompson, who is proceeding *pro se*, commenced this civil action in state court (Court of Common Pleas of Montgomery County, Civil Case No. 23-22995) alleging, through 42 U.S.C. § 1983, violations of his First and Eighth Amendment rights as well as a state tort claim.

Plaintiff’s Complaint was filed in state court on October 17, 2023, and served upon Defendant on or about November 3, 2023, (*See* Notice of Removal ECF Doc. No. 1, ¶ 2). On December 1, 2023, Defendant timely removed this action from the Montgomery County Court of Common Pleas to this Court. (ECF Doc. No. 1, ¶¶ 5-6.)

Plaintiff’s Complaint (ECF Doc. No. 1-4) is twenty-six pages and contains 113 paragraphs. Currently, by operation of Fed. R. Civ. P. 81(c)(2)(C), Defendant’s responsive pleading is due December 8, 2023. Given the detailed factual investigation required for Defendant’s forthcoming

response to Plaintiff's Complaint, as well as other reasons explained below, Defendant respectfully requests a fourteen (14) day extension of their deadline to answer, move, or otherwise respond to the Complaint.

II. ARGUMENT

A court has the authority under the Federal Rules of Civil Procedure, for good cause, to extend the time for any party to respond to a pleading. Fed. R. Civ. P. 6(b); *see Ryder v. Bartholomew*, 715 Fed. Appx. 144, 148 (3d Cir. 2017). Here, there is good cause to extend the time for Defendant to respond to the Complaint.

The undersigned counsel's file is incomplete as counsel has requested to receive relevant documents from Plaintiff's inmate file; more time is needed to research and investigate a proper response to the *pro se* Plaintiff's 113-paragraph pleading. It is possible that Defendant will answer the Complaint; however, this cannot be reasonably determined by the current deadline of December 8, 2023.

Moreover, Defendant's requested 14-day extension is relatively brief, and would not prejudice Plaintiff in *any* way, let alone in an unfair way.

For the reasons above, Defendant respectfully submits that a 14 day extension is warranted, is not being sought with dilatory intent, and would serve the interests of justice.

III. CONCLUSION

Defendant Safa respectfully request that this Court extend their deadline to answer plaintiff Brian Thompson's Complaint by 14 days, through and including December 22, 2023.

Respectfully submitted,

MICHELLE A. HENRY
Attorney General

Date: December 7, 2023

By: */s/ Brendan Mullen*

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	:	
MOHAMED SAFA, (Sergeant),	:	
	:	
Defendant.	:	

CERTIFICATE OF SERVICE

I, Brendan Mullen, hereby certify that the foregoing Defendant's Motion for Extension of Time has been filed electronically on December 7, 2023, is available for viewing and downloading from the Court's Electronic Case Filing system, and is being served on this date upon the Plaintiff, via First Class Mail, at the following address:

Smart Communications
Brian Thompson
JQ-0773
P.O. Box 33028
St. Petersburg, FL. 33733
Pro Se Plaintiff

Date: December 7, 2023

/s/ **Brendan T. Mullen**
Brendan Mullen
Deputy Attorney General